

# Exhibit D

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>EL CAMPO VENTURES, LLC,</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>vs.</b>	§	<b>Civil Action No. 1:20-cv-00560-RP</b>
	§	
<b>STRATTON SECURITIES, INC.,</b>	§	
<b>STRATTON OILFIELD SYSTEMS</b>	§	
<b>TEXAS, LLC, DANIEL STRATTON,</b>	§	
<b>and SHANNON STRATTON,</b>	§	
	§	
	§	
<b>Defendants.</b>	§	

**DECLARATION OF BEN GATES**

1. My name is Ben Gates. I have personal knowledge of all facts herein, and they are all true and correct. This declaration is submitted in connection with El Campo Ventures, LLC's Supplemental Memorandum in Support of its Motion for Attorney Fees, Prejudgment Interest, Post-judgment Interest and Costs filed in the above-styled-and-numbered lawsuit.

2. I am an attorney duly licensed to practice law in the State of Texas and the State of Alabama and have practiced continuously for 14 years. A large portion of my practice has been devoted to litigation of complex business matters in state and federal court. I practice law in numerous counties and metropolitan areas in Texas, including in Travis County, Texas, and within the Western District of Texas, Austin Division (referenced herein together as

“Austin”), where this action is pending. I am familiar with prosecuting lawsuits asserting breach of contract claims like those Plaintiff has brought in this case. I am also familiar with the character and the amount of legal work traditionally expended in prosecuting such an action, as well as the fees normally charged. I am further aware of the fees commonly and customarily charged in Austin, for legal services rendered in connection with such litigation.

3. Poncho Nevarez and I represent El Campo Ventures, LLC (“El Campo”), the plaintiff in the above-styled-and-numbered lawsuit.

3. The revised fee agreement with El Campo was set out in writing by letter dated February 24, 2020. Under that agreement, Poncho Nevarez and I, as El Campo’s attorneys, agreed to be compensated solely in the form of a contingent fee. The contingent fee percentage was 25% of the gross sum recovered prior to the commencement of a trial, and 30% of the gross sum recovered after the commencement of a trial. In addition, the fee agreement required El Campo’s attorneys to advance all costs and expenses in this matter. To date, Mr. Nevarez and I have advanced approximately \$60,000.00 of costs and expenses on behalf of El Campo.

4. I am familiar with the average, customary and reasonable contingent fee percentages charged by attorneys with similar experience and expertise in Austin. It is my opinion that El Campo’s 30% contingent fee is at

the bottom end of the range of usual and customary contingent fees charged for similar work in Austin. Contingent fee percentages in Austin (and throughout Texas) for business cases range from 30% to 40% depending on which party pays the expenses, when the case is resolved and the dollar value of the case. It is my opinion that our 30% contingent fee agreement with El Campo in this case is very reasonable considering the approximately \$60,000.00 of costs and expenses that have been advanced by Mr. Nevarez and myself.

5. In addition, when Stratton Securities, Inc. filed its declaratory judgment action against El Campo (Case No.: 1:20-CV-00248-RP), Mr. Nevarez and I represented El Campo in that action under the same February 24, 2020 fee agreement.

6. I am also familiar with the average, customary and reasonable hourly rates charged by attorneys with similar experience and expertise in Austin. My standard hourly billing rate is \$500 per hour. My opinion is that \$500 per hour is a very reasonable hourly rate for complex commercial litigation in Austin. When I bill by the hour, I send the client an invoice each month and receive payment within 30 days. Typically, clients deposit an amount of money in my trust account sufficient to cover any costs or expenses associated with their legal matter.

7. Given the contingent nature of this case, it is my opinion that \$500 per hour would not be a reasonable hourly rate for purposes of calculating a reasonable fee under the lodestar method in this case. Instead, it is my opinion that the loadstar should be calculated at the higher hourly rate of \$750 (1.5x the normal hourly rate) to account for the risk of loss, the delay in receiving any payment for services rendered or recovery of any of the approximately \$60,000.00 in fees and expenses advanced by Mr. Nevarez and I on behalf of El Campo. I do not undertake any of these risks when I bill my normal reasonable hourly rate of \$500 per hour and therefore these risks justify higher hourly rate in this case.

8. My testimony herein is based on my education, skill, knowledge and experience; my review of my time records; my involvement in this case; and my knowledge of the work performed in this case.

9. In reviewing my time records in this case and in exercising my billing judgment, I would determine what I believed was reasonable given the time expended and the services I provided. In this case, I used my billing judgment to write-down time entries when I believed too much time was expended for a particular task. For purposes of calculating a reasonable attorney's fee using the loadstar method, I spent a total of 747.9 hours and it is my opinion that this amount of time was reasonably and necessarily expended

by me in this case in order to help secure a \$4,095,300.00 jury verdict in favor of El Campo.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on January 7, 2022.

*/s/ Ben Gates*

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Ben Gates

**Law Office of Ben Gates, P.C.**

<b><u>DATE</u></b>	<b><u>TIMEKEEPER</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>HOURS</u></b>	<b><u>REASONABLE RATE</u></b>	<b><u>AMOUNT</u></b>
09/11/19	Ben Gates	Telephone conference with Rae Powell re: El Campo-Stratton dispute	0.6	\$750.00	\$450.00
09/12/19	Ben Gates	Initial review of the El Campo-Stratton Securities, Inc. contract dated May 2, 2019	0.4	\$750.00	\$300.00
09/12/19	Ben Gates	Initial review of lease agreement with U.S. Government	1.0	\$750.00	\$750.00
09/12/19	Ben Gates	Reviewed "lease like a sale" text message sent by Shannon Stratton	0.1	\$750.00	\$75.00
09/12/19	Ben Gates	Reviewed May 1, 2019 email sent by Shannon Stratton	0.1	\$750.00	\$75.00
09/12/19	Ben Gates	Reviewed ground lease and multiple amendments thereto	0.4	\$750.00	\$300.00
09/12/19	Ben Gates	Reviewed multiple email messages from April 26-27, 2019 re: purchase agreement	0.2	\$750.00	\$150.00
09/12/19	Ben Gates	Reviewed allocation of funds spreadsheet sent to El Campo	0.2	\$750.00	\$150.00
09/12/19	Ben Gates	Reviewed Stratton's draft of May 28, 2019 settlement agreement sent to El Campo	0.2	\$750.00	\$150.00
09/12/19	Ben Gates	Reviewed El Campo's settlement proposal dated August 12, 2019	0.2	\$750.00	\$150.00
09/12/19	Ben Gates	Reviewed letter from Mike Jones dated August 23, 2019 outlining Stratton's legal position re: contract	0.3	\$750.00	\$225.00
09/12/19	Ben Gates	Conference call with Rae Powell and Dan Gattis re: deal with Stratton	1.5	\$750.00	\$1,125.00
09/12/19	Ben Gates	Reviewed Stratton TXSOS filings and Dimmit County tax records	0.6	\$750.00	\$450.00
09/13/19	Ben Gates	Analyzed Stratton's stated legal position re: contract and El Campo's contractual obligations	1.0	\$750.00	\$750.00
09/13/19	Ben Gates	Legal research re: contract modification to include payment for a lease transaction via "lease like a sale" text message	2.0	\$750.00	\$1,500.00
09/16/19	Ben Gates	Legal research re: contract's "time is of the essence" clause and legal requirements necessary to prove waiver thereof	3.5	\$750.00	\$2,625.00

**Law Office of Ben Gates, P.C.**

09/16/19	Ben Gates	Reviewed May 18, 2019 text message exchange referencing conversation with Pat Rice	0.1	\$750.00	\$75.00
09/16/19	Ben Gates	Telephone conference with Rae Powell re: additional text messages	0.1	\$750.00	\$75.00
09/16/19	Ben Gates	Reviewed and analyzed purchase agreement dated April 26, 2019	0.4	\$750.00	\$300.00
09/17/19	Ben Gates	Reviewed and analyzed 21 pages of additional text messages provided by Rae Powell	1.0	\$750.00	\$750.00
09/17/19	Ben Gates	Conference call with Rae Powell and Dan Gattis re: initial evaluation of case	1.0	\$750.00	\$750.00
10/08/19	Ben Gates	Travel to San Antonio from Dallas	4.5	\$750.00	\$3,375.00
10/09/19	Ben Gates	Travel from San Antonio to Carrizo Springs	2.0	\$750.00	\$1,500.00
10/09/19	Ben Gates	Meeting with Rae Powell re: Stratton matter, observed The Studios at Carrizo Springs facility, researched and collected legal and property records filed in Dimmit County	5.0	\$750.00	\$3,750.00
10/09/19	Ben Gates	Travel from Carrizo Springs to San Antonio	2.0	\$750.00	\$1,500.00
10/10/19	Ben Gates	Travel from San Antonio to Dallas	4.5	\$750.00	\$3,375.00
10/11/19	Ben Gates	Reviewed and analyzed audio recordings of conference calls between El Campo and Stratton provided by Rae Powell	2.0	\$750.00	\$1,500.00
10/14/19	Ben Gates	Legal research re: admissibility of audio recordings	2.0	\$750.00	\$1,500.00
11/07/19	Ben Gates	Travel to Georgetown from Dallas	3.0	\$750.00	\$2,250.00
11/07/19	Ben Gates	Meeting with Rae Powell and Dan Gattis to discuss strategy related to Stratton matter	2.0	\$750.00	\$1,500.00
11/08/19	Ben Gates	Travel from Georgetown to Dallas	3.0	\$750.00	\$2,250.00
12/03/19	Ben Gates	Reviewed and analyzed El Campo company agreement for purposes of determining standing	0.5	\$750.00	\$375.00
12/11/19	Ben Gates	Researched El Campo TXSOS filings	0.2	\$750.00	\$150.00
12/11/19	Ben Gates	Reviewed April 24, 2019 letter of intent signed by Shannon Stratton	0.2	\$750.00	\$150.00



**Law Office of Ben Gates, P.C.**

12/12/19	Ben Gates	Travel to San Antonio from Dallas	4.5	\$750.00	\$3,375.00
12/12/19	Ben Gates	Meeting with Rae Powell re: Stratton matter	1.5	\$750.00	\$1,125.00
12/13/19	Ben Gates	Travel from San Antonio to Eagle Pass	2.5	\$750.00	\$1,875.00
12/13/19	Ben Gates	Meeting with Poncho Nevarez to discuss representation of El Campo	3.0	\$750.00	\$2,250.00
12/13/19	Ben Gates	Travel from Eagle Pass to Dallas	7.0	\$750.00	\$5,250.00
12/16/19	Ben Gates	Reviewed multiple emails between Dan Gattis and Alfred Cypress	0.3	\$750.00	\$225.00
12/16/19	Ben Gates	Reviewed multiple emails between Rae Powell and Mark Stanton	0.3	\$750.00	\$225.00
12/16/19	Ben Gates	Reviewed and analyzed both draft and final versions of May 15, 2019 lease proposal sent to Alfred Cypress	0.3	\$750.00	\$225.00
12/16/19	Ben Gates	Reviewed and analyzed May 16, 2019 purchase proposal sent to Alfred Cypress	0.2	\$750.00	\$150.00
12/16/19	Ben Gates	Reviewed May 16, 2019 email from Alfred Cypress re: call with Pat Rice	0.1	\$750.00	\$75.00
12/16/19	Ben Gates	Reviewed May 16, 2019 email from Pat Rice re: call on May 17, 2019	0.1	\$750.00	\$75.00
12/16/19	Ben Gates	Reviewed May 16, 2019 email from Shannon Stratton to Alfred Cypress and Pat Rice	0.1	\$750.00	\$75.00
12/16/19	Ben Gates	Reviewed screenshot of Stratton Securities website	0.1	\$750.00	\$75.00
12/16/19	Ben Gates	Reviewed and analyzed news article re: The Studios at Carrizo Springs	0.2	\$750.00	\$150.00
12/16/19	Ben Gates	Telephone conference with Rae Powell re: documents and emails	0.6	\$750.00	\$450.00
12/18/19	Ben Gates	Telephone conference with Dan Gattis re: settlement discussions	0.4	\$750.00	\$300.00
12/18/19	Ben Gates	Reviewed July 24, 2019 email from Mike Jones re: withdrawal of \$1.75 million settlement offer	0.1	\$750.00	\$75.00
12/18/19	Ben Gates	Reviewed August 24, 2019 email from Mike Jones re: change of deadline to accept \$500K settlement offer	0.1	\$750.00	\$75.00

**Law Office of Ben Gates, P.C.**

01/10/20	Ben Gates	Conference call with Rae Powell and Dan Gattis to discuss strategy related to Stratton matter	1.0	\$750.00	\$750.00
01/13/20	Ben Gates	Drafted El Campo fee agreement	1.0	\$750.00	\$750.00
01/13/20	Ben Gates	Emailed El Campo fee agreement to Rae Powell and Dan Gattis	0.1	\$750.00	\$75.00
01/17/20	Ben Gates	Reviewed email from Dan Gattis re: revisions to fee agreement	0.1	\$750.00	\$75.00
01/22/20	Ben Gates	Reviewed and revised El Campo fee agreement	0.2	\$750.00	\$150.00
01/22/20	Ben Gates	Emailed revised El Campo fee agreement to Rae Powell and Dan Gattis	0.1	\$750.00	\$75.00
01/22/20	Ben Gates	Receipt of El Campo fee agreement signed by Dan Gattis	0.1	\$750.00	\$75.00
01/27/20	Ben Gates	Receipt of El Campo fee agreement signed by Rae Powell	0.1	\$750.00	\$75.00
02/18/20	Ben Gates	Analyzed contract documents drafted by Pat Rice and sent to El Campo on May 25, 2019	1.0	\$750.00	\$750.00
02/18/20	Ben Gates	Reviewed April 22, 2019 email from Shannon Stratton re: purchase option	0.1	\$750.00	\$75.00
02/24/20	Ben Gates	Revised El Campo fee agreement	0.4	\$750.00	\$300.00
02/26/20	Ben Gates	Reviewed and analyzed May 17, 2019 revised proposal sent to Pat Rice	0.2	\$750.00	\$150.00
02/26/20	Ben Gates	Travel from Dallas to Eagle Pass	7.0	\$750.00	\$5,250.00
02/27/20	Ben Gates	Meeting with Poncho Nevarez re: El Campo litigation strategy	4.0	\$750.00	\$3,000.00
02/27/20	Ben Gates	Travel from Eagle Pass to Carrizo Springs	0.9	\$750.00	\$675.00
02/27/20	Ben Gates	Researched legal and property records at Dimmit County courthouse	0.5	\$750.00	\$375.00
02/27/20	Ben Gates	Travel from Carrizo Springs to Dallas	6.5	\$750.00	\$4,875.00
02/28/20	Ben Gates	Drafted and revised demand letter to Stratton Securities	1.0	\$750.00	\$750.00
02/28/20	Ben Gates	Emailed demand letter to Mike Jones	0.1	\$750.00	\$75.00
02/28/20	Ben Gates	Emailed demand letter to client	0.1	\$750.00	\$75.00
03/09/20	Ben Gates	Receipt/review of Declaratory Judgment complaint filed by Stratton	0.5	\$750.00	\$375.00

**Law Office of Ben Gates, P.C.**

03/09/20	Ben Gates	Telephone conference with client re: declaratory judgment lawsuit	0.5	\$750.00	\$375.00
03/10/20	Ben Gates	Receipt/review of news article re: lawsuit	0.1	\$750.00	\$75.00
03/11/20	Ben Gates	Receipt/review of email from Dan Gattis with attached summons served on El Campo	0.1	\$750.00	\$75.00
03/12/20	Ben Gates	Conference call with Rae Powell, Dan Gattis and Poncho Nevarez to discuss litigation strategy	0.5	\$750.00	\$375.00
03/12/20	Ben Gates	Started working on draft of El Campo petition	8.0	\$750.00	\$6,000.00
03/13/20	Ben Gates	Continued working on petition	8.0	\$750.00	\$6,000.00
03/16/20	Ben Gates	Telephone conference with Poncho Nevarez re: petition	0.3	\$750.00	\$225.00
03/16/20	Ben Gates	Continued working on El Campo petition; sent draft to Poncho Nevarez for review	6.0	\$750.00	\$4,500.00
03/17/20	Ben Gates	Conferred with Poncho re: revisions; analyzed client documents for petition exhibits	2.8	\$750.00	\$2,100.00
03/20/20	Ben Gates	Conferred with Poncho re: revised petition	0.6	\$750.00	\$450.00
03/23/20	Ben Gates	Conference call with client and Poncho to discuss factual allegations in petition	0.4	\$750.00	\$300.00
03/24/20	Ben Gates	Conferred with Poncho re: petition	0.3	\$750.00	\$225.00
03/26/20	Ben Gates	Telephone conference with Poncho Nevarez re: draft of petition	0.1	\$750.00	\$75.00
03/30/20	Ben Gates	Telephone conference with client re: declaratory judgment action	0.5	\$750.00	\$375.00
03/30/20	Ben Gates	Legal research and analysis re: grounds for motion to dismiss declaratory judgment action	4.0	\$750.00	\$3,000.00
03/31/20	Ben Gates	Telephone conference with Poncho Nevarez re: motion to dismiss	0.4	\$750.00	\$300.00
03/31/20	Ben Gates	Began drafting motion to dismiss	8.0	\$750.00	\$6,000.00
04/01/20	Ben Gates	Continued working on motion to dismiss; emailed draft to Poncho Nevarez	7.5	\$750.00	\$5,625.00
04/01/20	Ben Gates	Revised motion to dismiss	0.5	\$750.00	\$375.00

**Law Office of Ben Gates, P.C.**

04/15/20	Ben Gates	Reviewed and analyzed Stratton's notice of removal, motion to transfer venue, response to motion to dismiss, and answer; telephone conference with client re: same	1.5	\$750.00	\$1,125.00
05/05/20	Ben Gates	Email correspondence with Mike Jones and Poncho Nevarez re: scheduling order	0.2	\$750.00	\$150.00
05/08/20	Ben Gates	Receipt and review of answer for Daniel Stratton and Shannon Stratton	0.2	\$750.00	\$150.00
05/11/20	Ben Gates	Reviewed El Campo's proposed scheduling order and Stratton's proposed revisions to same	0.3	\$750.00	\$225.00
05/14/20	Ben Gates	Reviewed draft of motion to remand; sent suggested revisions to Poncho	0.7	\$750.00	\$525.00
05/15/20	Ben Gates	Revised draft of El Campo's response to motion to transfer venue	0.6	\$750.00	\$450.00
05/18/20	Ben Gates	Reviewed scheduling order entered by the Court	0.1	\$750.00	\$75.00
05/19/20	Ben Gates	Reviewed and analyzed Stratton's first request for production; communicate with client re: same	0.6	\$750.00	\$450.00
05/22/20	Ben Gates	Receipt and review of Stratton disclosures, reply to motion to transfer venue and response to motion to remand	0.4	\$750.00	\$300.00
05/22/20	Ben Gates	Reviewed letter from Will Farrar	0.1	\$750.00	\$75.00
06/01/20	Ben Gates	Sent email to opposing counsel re: deposition dates	0.1	\$750.00	\$75.00
06/02/20	Ben Gates	Receipt and review of email from Mike Jones re: depositions	0.1	\$750.00	\$75.00
06/02/20	Ben Gates	Telephone conference with Poncho Nevarez re: depositions	0.4	\$750.00	\$300.00
06/02/20	Ben Gates	Initial conference with Will Farrar re: Stratton transaction	1.0	\$750.00	\$750.00
06/03/20	Ben Gates	Review and analyze Stratton's RFA and interrogatories	0.5	\$750.00	\$375.00
06/03/20	Ben Gates	Began reviewing and analyzing documents provided by Will Farrar re: Stratton transaction	2.0	\$750.00	\$1,500.00
06/04/20	Ben Gates	Continued reviewing and analyzing documents re: Stratton transaction provided by Will Farrar on 6/3/20	8.0	\$750.00	\$6,000.00
06/04/20	Ben Gates	Telephone conference with client re: Signor documents	0.6	\$750.00	\$450.00

**Law Office of Ben Gates, P.C.**

06/05/20	Ben Gates	Reviewed and analyzed additional electronic communications re: Stratton provided by Will Farrar	2.0	\$750.00	\$1,500.00
06/08/20	Ben Gates	Reviewed and analyzed government lease terms and contract change orders for purposes of calculating El Campo's benefit of the bargain damages due to Stratton's breach	2.0	\$750.00	\$1,500.00
06/08/20	Ben Gates	Telephone conference with client re: document production	0.6	\$750.00	\$450.00
06/10/20	Ben Gates	Analyzed and reviewed client documents for production	8.0	\$750.00	\$6,000.00
06/11/20	Ben Gates	Analyzed and reviewed client documents for production	8.0	\$750.00	\$6,000.00
06/15/20	Ben Gates	Telephone conference with client re: document production	0.5	\$750.00	\$375.00
06/16/20	Ben Gates	Analyzed and reviewed client documents for production	8.0	\$750.00	\$6,000.00
06/17/20	Ben Gates	Analyzed and reviewed client documents for production	6.0	\$750.00	\$4,500.00
06/18/20	Ben Gates	Sent email to Mike Jones re: document production via Dropbox	0.1	\$750.00	\$75.00
06/18/20	Ben Gates	Telephone conference with client re: document production	1.5	\$750.00	\$1,125.00
06/18/20	Ben Gates	Analyzed and reviewed additional client documents for production	0.4	\$750.00	\$300.00
06/18/20	Ben Gates	Finalized responses to RFP and documents for production; set up Dropbox link re: same	2.0	\$750.00	\$1,500.00
06/19/20	Ben Gates	Telephone conference with client re: request for admissions	0.3	\$750.00	\$225.00
06/19/20	Ben Gates	Reviewed documents related to Stratton's request for admissions and drafted El Campo's answers to same	1.5	\$750.00	\$1,125.00
06/24/20	Ben Gates	Review letter from Mike Jones re: redacted documents	0.1	\$750.00	\$75.00
07/08/20	Ben Gates	Discussion with Poncho Nevarez re: documents previously produced by Signor for purposes of drafting formal RFP	0.2	\$750.00	\$150.00
07/08/20	Ben Gates	Drafted request for production to Signor defendants	1.0	\$750.00	\$750.00
07/15/20	Ben Gates	Telephone and email communications with Mike Jones re: motion to compel	0.2	\$750.00	\$150.00

**Law Office of Ben Gates, P.C.**

07/22/20	Ben Gates	Telephone conference with client re: interrogatory answers	1.1	\$750.00	\$825.00
07/22/20	Ben Gates	Drafted El Campo's interrogatory answers; emailed same to client and Poncho for review	4.0	\$750.00	\$3,000.00
07/24/20	Ben Gates	Finalized El Campo's first request for production to Stratton defendants; email service of same	0.3	\$750.00	\$225.00
07/28/20	Ben Gates	Review letter from Mike Jones re: verification of interrogatory answers	0.1	\$750.00	\$75.00
08/05/20	Ben Gates	Researched legal standards for verification; emailed Mike Jones <i>State Farm v. Lincow</i> case	0.3	\$750.00	\$225.00
08/07/20	Ben Gates	Reviewed motion for protective order; conferred with Poncho re: same	0.4	\$750.00	\$300.00
08/24/20	Ben Gates	Reviewed and analyzed 7 audio recordings produced by Stratton	4.0	\$750.00	\$3,000.00
08/25/20	Ben Gates	Reviewed and analyzed documents produced by Stratton	8.0	\$750.00	\$6,000.00
08/26/20	Ben Gates	Reviewed and analyzed Stratton emails and attached documents produced as native electronic files; analyzed metadata of same	8.0	\$750.00	\$6,000.00
08/27/20	Ben Gates	Telephone conference with client re: document production	1.3	\$750.00	\$975.00
08/27/20	Ben Gates	Analyzed and reviewed documents for production provided by Rae Powell	2.0	\$750.00	\$1,500.00
08/28/20	Ben Gates	Drafted letter to Mike Jones re: Stratton document production	2.0	\$750.00	\$1,500.00
09/02/20	Ben Gates	Reviewed and analyzed 17 additional audio recordings produced by Stratton	8.0	\$750.00	\$6,000.00
09/03/20	Ben Gates	Reviewed and analyzed emails and attached documents from the "Exported El Campo Emails" Dropbox folder that were produced as native electronic files; analyzed metadata of same	8.0	\$750.00	\$6,000.00
09/03/20	Ben Gates	Conferred with Poncho Nevarez re: Stratton audio recordings	0.3	\$750.00	\$225.00

**Law Office of Ben Gates, P.C.**

09/04/20	Ben Gates	Continued review and analysis of "Exported El Campo Emails"; analyzed metadata of same	7.0	\$750.00	\$5,250.00
09/08/20	Ben Gates	Conferred with client re: document production	0.2	\$750.00	\$150.00
09/08/20	Ben Gates	Finalized documents for production and drafted El Campo's response to Stratton's second request for production	1.0	\$750.00	\$750.00
09/08/20	Ben Gates	Continued review and analysis of "Exported El Campo Emails"; analyzed metadata of same	5.8	\$750.00	\$4,350.00
09/09/20	Ben Gates	Attended conference call with Judge Pitman	0.2	\$750.00	\$150.00
09/09/20	Ben Gates	Communicate with client re: status conference	0.2	\$750.00	\$150.00
09/09/20	Ben Gates	Continued review and analysis of "Exported El Campo Emails"; analyzed metadata of same	7.0	\$750.00	\$5,250.00
09/10/20	Ben Gates	Drafted letter to Mike Jones re: missing audio recordings	0.4	\$750.00	\$300.00
09/10/20	Ben Gates	Finalized review and analysis of "Exported El Campo Emails"; analyzed metadata of same	7.6	\$750.00	\$5,700.00
09/11/20	Ben Gates	Reviewed and analyzed emails and attached documents from the Stratton "SaleEfforts" Dropbox folder that were produced as native electronic files; analyzed metadata of same	8.0	\$750.00	\$6,000.00
09/25/20	Ben Gates	Drafted 30(b)(6) deposition notices for Stratton entities	1.5	\$750.00	\$1,125.00
09/26/20	Ben Gates	Created audio clips from Stratton recordings	8.0	\$750.00	\$6,000.00
09/27/20	Ben Gates	Prepared for Stratton depositions	7.0	\$750.00	\$5,250.00
09/28/20	Ben Gates	Travel from Dallas to Savannah, Georgia for Stratton depositions	6.0	\$750.00	\$4,500.00
09/28/20	Ben Gates	Prepared for Stratton depositions; conferred with Poncho re: same	3.0	\$750.00	\$2,250.00
09/29/20	Ben Gates	Prepared for Stratton depositions; conferred with Poncho re: same	2.0	\$750.00	\$1,500.00
09/29/20	Ben Gates	Attended depositions of Shannon Stratton and Daniel Stratton	6.0	\$750.00	\$4,500.00



**Law Office of Ben Gates, P.C.**

09/29/20	Ben Gates	Drafted proposed order re: extension of scheduling order deadlines	0.2	\$750.00	\$150.00
09/29/20	Ben Gates	Telephone conference with client re: Stratton depositions	1.2	\$750.00	\$900.00
09/30/20	Ben Gates	Travel from Savannah, Georgia to Dallas	6.0	\$750.00	\$4,500.00
10/05/20	Ben Gates	Travel to Austin from Dallas to attend depositions of Rae Powell and Dan Gattis	3.5	\$750.00	\$2,625.00
10/05/20	Ben Gates	Prepare for Powell deposition	6.0	\$750.00	\$4,500.00
10/06/20	Ben Gates	Prepare for Powell deposition	1.0	\$750.00	\$750.00
10/06/20	Ben Gates	Attended deposition of Rae Powell	5.5	\$750.00	\$4,125.00
10/06/20	Ben Gates	Prepare for Gattis deposition	4.0	\$750.00	\$3,000.00
10/07/20	Ben Gates	Prepare for Gattis deposition	3.0	\$750.00	\$2,250.00
10/07/20	Ben Gates	Attended deposition of Dan Gattis	4.5	\$750.00	\$3,375.00
10/07/20	Ben Gates	Travel from Austin to Dallas	3.5	\$750.00	\$2,625.00
10/08/20	Ben Gates	Researched potential audio experts; conferred with Poncho re: same	1.5	\$750.00	\$1,125.00
10/13/20	Ben Gates	Conferred with Poncho re: audio enhancements	0.4	\$750.00	\$300.00
10/13/20	Ben Gates	Drafted letter to Mike Jones re: outstanding discovery issues	1.0	\$750.00	\$750.00
10/13/20	Ben Gates	Analyzed file for additional factual evidence and causes of action to include in amended complaint	5.0	\$750.00	\$3,750.00
10/14/20	Ben Gates	Conferred with Poncho re: further audio enhancements	0.2	\$750.00	\$150.00
10/14/20	Ben Gates	Drafted El Campo's First Amended Complaint	8.0	\$750.00	\$6,000.00
10/15/20	Ben Gates	Continued working on El Campo's First Amended Complaint	7.0	\$750.00	\$5,250.00
10/19/20	Ben Gates	Reviewed expert witness report from Ryan Anderson; conferred with Poncho re: same	0.5	\$750.00	\$375.00
10/22/20	Ben Gates	Drafted objection to magistrate judge report re: motion to dismiss declaratory judgment action	2.0	\$750.00	\$1,500.00
10/23/20	Ben Gates	Finalized objection to magistrate judge report and attachments for filing	0.2	\$750.00	\$150.00
11/06/20	Ben Gates	Researched potential accounting experts	1.0	\$750.00	\$750.00
11/09/20	Ben Gates	Conferred with Poncho re: accounting experts	0.3	\$750.00	\$225.00



**Law Office of Ben Gates, P.C.**

11/17/20	Ben Gates	Meeting with Don Southerland, provided documents for his review and analysis	3.0	\$750.00	\$2,250.00
11/30/20	Ben Gates	Reviewed Don Southerland's report	0.5	\$750.00	\$375.00
12/01/20	Ben Gates	Conference call with Rae Powell, Dan Gattis and Poncho Nevarez to discuss strategy	0.5	\$750.00	\$375.00
12/10/20	Ben Gates	Prepare for depositions of Jeff Stratton and Rileigh Knight	4.0	\$750.00	\$3,000.00
12/11/20	Ben Gates	Prepare for deposition of Jeff Stratton	0.5	\$750.00	\$375.00
12/11/20	Ben Gates	Attended deposition of Jeff Stratton	1.7	\$750.00	\$1,275.00
12/11/20	Ben Gates	Attended deposition of Rileigh Knight	1.1	\$750.00	\$825.00
12/21/20	Ben Gates	Reviewed documents produced by Justin Hollis	0.2	\$750.00	\$150.00
12/21/20	Ben Gates	Prepare for depositon of Justin Hollis	0.5	\$750.00	\$375.00
12/22/20	Ben Gates	Attended deposition of Justin Hollis	0.9	\$750.00	\$675.00
12/23/20	Ben Gates	Drafted answer to amended complaint in declaratory judgment action	3.0	\$750.00	\$2,250.00
12/29/20	Ben Gates	Review and analyze motion to exclude expert testimony	0.5	\$750.00	\$375.00
12/30/20	Ben Gates	Drafted El Campo's second request for production	4.0	\$750.00	\$3,000.00
01/05/21	Ben Gates	Attended Zoom hearing re: motion to remand	0.5	\$750.00	\$375.00
01/06/21	Ben Gates	Began working on response to motion to exclude expert testimony	3.5	\$750.00	\$2,625.00
01/07/21	Ben Gates	Worked on response to motion to exclude expert testimony	7.5	\$750.00	\$5,625.00
01/08/21	Ben Gates	Worked on response to motion to exclude expert testimony	1.0	\$750.00	\$750.00
01/21/21	Ben Gates	Prepared for deposition of Elsa Betancourt	0.5	\$750.00	\$375.00
01/22/21	Ben Gates	Attended deposition of Elsa Betancourt	0.4	\$750.00	\$300.00
01/25/21	Ben Gates	Prepared for Clardy deposition	1.0	\$750.00	\$750.00
01/26/21	Ben Gates	Attended deposition of Luke Clardy	1.8	\$750.00	\$1,350.00
01/26/21	Ben Gates	Attended Zoom hearing re: motion to exclude expert testimony	0.5	\$750.00	\$375.00
01/27/21	Ben Gates	Began working on El Campo's motion for partial summary judgment	2.5	\$750.00	\$1,875.00

**Law Office of Ben Gates, P.C.**

01/28/21	Ben Gates	Reviewed and analyzed Stratton's motion for summary judgment	1.0	\$750.00	\$750.00
01/28/21	Ben Gates	Worked on El Campo's motion for partial summary judgment	6.5	\$750.00	\$4,875.00
01/29/21	Ben Gates	Worked on El Campo's motion for partial summary judgment	9.0	\$750.00	\$6,750.00
02/10/21	Ben Gates	Began working on El Campo's response to Stratton's motion for summary judgment	8.0	\$750.00	\$6,000.00
02/11/21	Ben Gates	Continued working on El Campo's response to Stratton's motion for summary judgment; filing of same	12.0	\$750.00	\$9,000.00
02/22/21	Ben Gates	Began working on El Campo reply to Stratton response to its motion for partial summary judgment	8.0	\$750.00	\$6,000.00
02/23/21	Ben Gates	Continued working on El Campo reply	9.0	\$750.00	\$6,750.00
02/24/21	Ben Gates	Worked on El Campo reply to Stratton response to its motion for partial summary judgment	2.5	\$750.00	\$1,875.00
03/03/21	Ben Gates	Analyzed Sunflower Bank's discovery responses and document production; SB_000001-SB 000884	5.0	\$750.00	\$3,750.00
03/03/21	Ben Gates	Prepare for deposition of John Baxter	3.0	\$750.00	\$2,250.00
03/04/21	Ben Gates	Attend deposition of John Baxter	1.5	\$750.00	\$1,125.00
03/29/21	Ben Gates	Email correspondence with Mike Jones and Poncho Nevarez re: possible mediation dates	0.1	\$750.00	\$75.00
03/30/21	Ben Gates	Researched potential Dallas-based mediators	1.0	\$750.00	\$750.00
03/30/21	Ben Gates	Email correspondence with Mike Jones and Poncho Nevarez re: potential mediators	0.1	\$750.00	\$75.00
05/18/21	Ben Gates	Began working on draft of El Campo confidential mediation statement	8.0	\$750.00	\$6,000.00
05/19/21	Ben Gates	Continued working on El Campo mediation statement; made revisions to same and sent to Poncho for review	3.5	\$750.00	\$2,625.00
05/20/21	Ben Gates	Finalized and submitted confidential mediation statement	0.3	\$750.00	\$225.00

**Law Office of Ben Gates, P.C.**

05/21/21	Ben Gates	Telephone conference with Judge Ashworth re: mediation statement and initial demand	0.4	\$750.00	\$300.00
05/21/21	Ben Gates	Telephone conference with client re: goals for mediation	0.3	\$750.00	\$225.00
05/24/21	Ben Gates	Telephone conference with client re: mediation strategy	0.5	\$750.00	\$375.00
05/24/21	Ben Gates	Prepared for mediation	3.0	\$750.00	\$2,250.00
05/25/21	Ben Gates	Attended mediation	8.0	\$750.00	\$6,000.00
06/24/21	Ben Gates	Reviewed and analyzed summary judgment recommendations	1.0	\$750.00	\$750.00
07/13/21	Ben Gates	Started working on Notice to Court; analyze documents for exhibit list; reviewed stipulated facts	8.0	\$750.00	\$6,000.00
07/14/21	Ben Gates	Work on Notice to Court; draft proposed jury instructions; communicate with client re: stipulated facts; work on deposition designations for trial	8.0	\$750.00	\$6,000.00
07/15/21	Ben Gates	Work on Notice to Court; continued to work on exhibits	8.0	\$750.00	\$6,000.00
07/16/21	Ben Gates	Work on Notice to Court; review exhibit list; review proposed jury charge; review witness list	8.0	\$750.00	\$6,000.00
07/19/21	Ben Gates	Reviewed questions about exhibit list from Mike Jones	1.0	\$750.00	\$750.00
07/20/21	Ben Gates	Analyzed Defendants' exhibit list for purposes of making objections	4.0	\$750.00	\$3,000.00
07/21/21	Ben Gates	Drafted amended exhibit list; began working on response to motion in limine	8.0	\$750.00	\$6,000.00
07/22/21	Ben Gates	Revised draft of motion in limine; begin drafting objections to defendants exhibits	8.0	\$750.00	\$6,000.00
07/23/21	Ben Gates	Continued analysis of defendant's exhibits and drafted relevant objections re: hearsay	5.0	\$750.00	\$3,750.00
07/28/21	Ben Gates	Prepared for final pretrial conference	2.0	\$750.00	\$1,500.00
07/28/21	Ben Gates	Attended final pretrial conference with Judge Pitman	1.5	\$750.00	\$1,125.00
08/19/21	Ben Gates	Analyzed and reviewed unexpected Stratton document production	8.0	\$750.00	\$6,000.00
08/20/21	Ben Gates	Continued analysis and review of unexpected Stratton document production	8.0	\$750.00	\$6,000.00

**Law Office of Ben Gates, P.C.**

08/21/21	Ben Gates	Meeting with Don Southerland, provided new Stratton documents for purposes of preparing supplemented expert report	2.5	\$750.00	\$1,875.00
08/27/21	Ben Gates	Analyzed supplemented expert report of Don Southerland	1.0	\$750.00	\$750.00
09/02/21	Ben Gates	Travel to Austin from Dallas to attend jury trial	3.5	\$750.00	\$2,625.00
09/02/21	Ben Gates	Prepare for Voir Dire	5.0	\$750.00	\$3,750.00
09/03/21	Ben Gates	Attended jury selection	8.0	\$750.00	\$6,000.00
09/04/21	Ben Gates	Trial Preparation	12.0	\$750.00	\$9,000.00
09/05/21	Ben Gates	Trial Preparation	14.0	\$750.00	\$10,500.00
09/06/21	Ben Gates	Trial Preparation	14.0	\$750.00	\$10,500.00
09/07/21	Ben Gates	Trial Preparation	5.0	\$750.00	\$3,750.00
09/07/21	Ben Gates	Trial	8.0	\$750.00	\$6,000.00
09/07/21	Ben Gates	Trial Preparation	4.0	\$750.00	\$3,000.00
09/08/21	Ben Gates	Trial Preparation	4.0	\$750.00	\$3,000.00
09/08/21	Ben Gates	Trial	8.0	\$750.00	\$6,000.00
09/08/21	Ben Gates	Trial Preparation	4.0	\$750.00	\$3,000.00
09/09/21	Ben Gates	Trial Preparation	2.0	\$750.00	\$1,500.00
09/09/21	Ben Gates	Trial	8.0	\$750.00	\$6,000.00
09/09/21	Ben Gates	Travel to Dallas from Austin	3.5	\$750.00	\$2,625.00
09/15/21	Ben Gates	Researched legal authorities re: award of attorney's fees and prejudgment interest	3.5	\$750.00	\$2,625.00
09/22/21	Ben Gates	Continued legal research re: proof required for fee award	1.5	\$750.00	\$1,125.00
09/27/21	Ben Gates	Started drafting motion for attorney's fees	8.0	\$750.00	\$6,000.00
09/28/21	Ben Gates	Continued working on motion; made revisions and filed same	8.0	\$750.00	\$6,000.00
10/16/21	Ben Gates	Researched legal authorities re: future damages and prejudgment interest; requirements re: segregation of fees; Chapter 38 fee awards	2.5	\$750.00	\$1,875.00
10/17/21	Ben Gates	Drafted El Campo's reply	8.0	\$750.00	\$6,000.00
12/02/21	Ben Gates	Travel to Austin from Dallas	3.5	\$750.00	\$2,625.00
12/03/21	Ben Gates	Attend hearing re: attorney fees	1.0	\$750.00	\$750.00
12/03/21	Ben Gates	Travel to Dallas from Austin	3.5	\$750.00	\$2,625.00
12/03/21	Ben Gates	Sent email to Mike Jones re: settlement proposal re: fees	0.1	\$750.00	\$75.00
01/04/22	Ben Gates	Attended status conference via Zoom with Magistrate Judge Lane	0.2	\$750.00	\$150.00
01/07/22	Ben Gates	Drafted supplemental brief and prepared exhibits thereto	8.0	\$750.00	\$6,000.00
			<b>747.9</b>		<b>\$560,925.00</b>